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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,713	09/18/2001	Jeffery A. Morgan	2574	1012

7590 12/16/2003

The Hoover Company  
101 East Maple Street  
North Canton, OH 44720

EXAMINER
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SNIDER, THERESA T

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 12/16/2003

20

Please find below and/or attached an Office communication concerning this application or proceeding.

002 ✓

# Office Action Summary

Application No.

09/955,713

Applicant(s)

MORGAN ET AL.

Examiner

Theresa T. Snider

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1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 21-43 is/are allowed.
- 6) ☒ Claim(s) 44-79 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 20 is objected to because of the following informalities: line 2, 'wherein said' (first occurrence) should be deleted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 44-79 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is unclear as to where in the specification is disclosed that the 'nozzle assembly having a greater transverse distance than its longitudinal distance' or where it is disclosed that the retaining members can be on one of the base or the nozzle assembly. The specification appears to only support placement of the retaining members on the nozzle assembly.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 44-79 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Exemplary of such:

Claim 44, lines 16 and 19, it is unclear as to what is meant by 'being accessible from said outer surface of said upper portion'.

Claim 50, lines 3 and 6, should 'first' be 'second'?

Claim 51, line 2, 'said first engaging member' lacks proper antecedent basis.

Claim 52, line 3, 'said main body' lacks proper antecedent basis.

Claim 53, lines 14 and 18, it is unclear as to what is meant by 'being accessible from said outer surface of said upper portion'.

Claim 61, lines 14 and 17, it is unclear as to what is meant by 'being accessible from said outer surface of said upper portion';

Line 21, 'a surface' should be replaced with 'the surface';

Line 22, 'said main body' lacks proper antecedent basis.

Claims 50 and 67, line 2, as claimed, the 'second retaining member' does not need to be on the same element (nozzle assembly or base) as the first retaining member. Is this correct?

Claim 68, line 2, 'said first engaging member' lacks proper antecedent basis.

Claim 69, lines 10 and 13, it is unclear as to what is meant by 'being accessible from said outer surface of said upper portion'.

Claim 73, line 5, it is unclear as to what is meant by 'for viewing at least a portion of said brush assembly'. The front piece is there to allow one to view the brush assembly?;

Lines 9 and 12, it is unclear as to what is meant by 'being accessible from said outer surface of said upper portion'.

Claim 77 provides a limitation that was already provided previously in claim 75.

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Claim 78, line 2, 'said' should be inserted after 'wherein'.

*Allowable Subject Matter*

6. Claims 19-43 are allowed.

7. Claims 44, 53, 61, 69 and 73 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, first and second paragraph, set forth in this Office action.

8. Claims 45-52, 54-60, 62-68, 70-72 and 74-79 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, first and second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: the prior art discloses a floor cleaning device with a base for movement along a surface and a nozzle assembly removably attached to the base HOWEVER fails to disclose or fairly suggest the nozzle assembly having a slide latch to engage with a channel in the base OR the base further including a cam member against which the slide latch engages OR the slide latch including a hook portion that engages with a rib on the base. The prior art also fails to disclose or fairly suggest the nozzle assembly having a first retaining member on an upper portion thereof that is accessible from an outer surface of an upper portion of the base to both engage and disengage the nozzle assembly from the base.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Wednesday-Friday (6:30AM-3:00PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1300.

Theresa T. Snider  
Primary Examiner  
Art Unit 1744

TTS

12/15/03